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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/765,539	01/27/2004	Liam Scanlan	2103175-991111

26379  
GRAY CARY WARE & FREIDENRICH LLP  
2000 UNIVERSITY AVENUE  
E. PALO ALTO, CA 94303-2248

**CONFIRMATION NO. 1652**  
**FORMALITIES LETTER**



\*OC000000012948514\*

Date Mailed: 06/15/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

08/20/2004 HLE333 00000061 071896 10765539  
01 FC:2051 65.00 DA

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

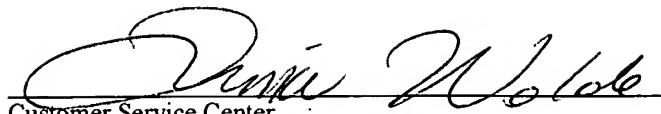
**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
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Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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**FEET TRANSMITTAL****for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 65.00)

**Complete if Known**

Application Number	10/765,539
Filing Date	January 27, 2004
First Named Inventor	Liam Scanlan and Cory Bear
Examiner Name	Unknown
Art Unit	2113
Attorney Docket No.	2103175-991111

**METHOD OF PAYMENT (check all that apply)**
 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number	07-1896
Deposit Account Name	Gray Cary Ware & Freidenrich LLP

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEET CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee			
1002 340	2002 170	Design filing fee			
1003 530	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
<b>SUBTOTAL(1) (\$)</b>		<b>0.00</b>			

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
1	-20** = 0		X	=	
1	-3** = 0		X	=	
				=	
<b>Large Entity</b>		<b>Small Entity</b>			
Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee Description		
1202 18	2202 9	Claims in excess of 20			
1201 86	2201 43	Independent claims in excess of 3			
1203 290	2203 145	Multiple dependent claim, if not paid			
1204 86	2204 43	** Reissue independent claims over original patent			
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent			
<b>SUBTOTAL (2) (\$)</b>		<b>0.00</b>			

\*\* or number previously paid, if greater; For Reissues, see above

**3. ADDITIONAL FEES**Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	65
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
		1810	770	2810	385 For each additional invention to be examined (37 CFR 1.129(b))
		1801	770	2801	385 Request for Continued Examination (RCE)
		1802	900	1802	900 Request for expedited examination of a design application
Other fee (specify)					
*Reduced by Basic Filing Fee Paid				<b>SUBTOTAL (3) (\$)</b>	<b>65.00</b>

(Complete if applicable)

Name (Print/Type)	Kieun "Jenny" Sung	Registration No. (Attorney/Agent)	48,639	Telephone	650-833-2121
Signature		Date	August 16, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

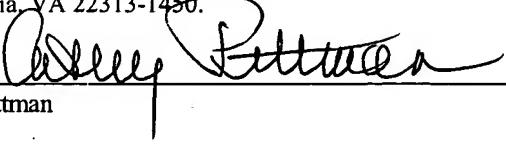
If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DATE OF DEPOSIT: August 16, 2004

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail on the date indicated above and is addressed to: Commissioner for Patents; Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Cathy Pittman

\* \* \*

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

COMMISSIONER FOR PATENTS  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing for:

U.S. Patent Application S/N: 10/765,539      Filed: January 27, 2004  
INVENTOR(s): Cory Bear and Liam Scanlan      Group Art Unit: 2113  
TITLE: EXTENSIBLE METHOD FOR OBTAINING AN HISTORICAL  
RECORD OF DATA BACKUP ACTIVITY (AND ERRORS) AND  
CONVERTING SAME INTO A CANONICAL FORMAT

Enclosed are:

1. Transmittal Form (1 pg.);
2. Response to Notice of Missing Parts (2 pgs);
3. Copy of original Notice of Missing Parts (2 pgs);
4. Declaration (2 pgs);
5. Power of Attorney (1 pg);
6. Statement Under 37 CFR 3.73(b) w/copy of Assignment documents (5 pgs);
7. Fee Transmittal FY 2004 (1 pg);
8. Certificate of First Class Mailing (1 pg.); and
9. Return Postcard;



Please type a plus sign (+) inside this box

**+**

PTO/SB21 (6-98)  
Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/765,539

Filing Date

January 27, 2004

First Named Inventor

Liam Scanlan

Group Art Unit

2113

Examiner Name

Unknown

Attorney Docket Number

2103175-991111

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment with Appendix A attached <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Associate Power of Attorney, <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): Response to Notice of Missing Parts (2p); Copy of original Missing Parts Notice (2p); Declaration (2p); Power of Attorney (1p); Statement Under 37CFR w/copy of Assignment (sp)
Remarks		Certificate of Mailing (1p); Return postcard.

### SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	Kieun J. Sung (Reg. No. 48,639) Gray Cary Ware Freidenrich
Signature	
Date	August 16, 2004

### CERTIFICATE OF MAILING

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Typed or printed name	Cathy Pittman		
Signature		Date	August 16, 2004



Attorney Docket No.: 2103175-991111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Liam Scanlan et al.

Serial No. 10/765,539

Group Art Unit: 2113

Filed: January 27, 2004

Examiner: Unknown

Title: EXTENSIBLE METHOD FOR OBTAINING AN HISTORICAL RECORD  
OF DATA BACKUP ACTIVITY (AND ERRORS) AND CONVERTING  
SAME INTO A CANONICAL FORMAT

*I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents & Trademarks, Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450 on:*

August 16, 2004  
Date

  
Cathy Pittman

\* \* \*

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts dated June 14, 2004, applicant hereby submits the following:

- (1) Transmittal Form (1 pg.);
- (2) Response to Notice to File Missing Parts (2 pgs.);
- (3) Copy of Notice to File Missing Parts (2 pgs.);
- (4) Declaration (2 pgs.);
- (5) Power of Attorney (1 pg.);
- (6) Statement Under 37 CFR 3.73(b) w/copy of Assignment documents (5 pgs.);

- (7) Fee Transmittal FY 2004;
- (8) Certificate of First Class Mailing (1 pg); and
- (9) Return postcard.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 07-1896.

Please telephone the undersigned at (650) 833-2121, if there are any questions.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP

Dated: August 16, 2004

By \_\_\_\_\_

  
Kieun Jenny Sung  
Attorney for Applicant  
Reg. No. 48,639

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